

Absolutely not. The ONLY thing which allows any choice at all in the market is the access of CLECs to the 'last mile'. That absolutely requires the BELLs to continue to have to provide access to the wiring and COs which they own. A fair usage fee could of course be charged, but to allow the BELLs to just turn CLECs away means they can provide, or not provide, data service to anyone at any cost. Even WITH the current requirements, the BELLs are as slow as possible to provide service to the CLECs, even when they themselves have not yet put in infrastructure to support customers. This has been so painfully obvious at least in the New York area where Verizon has done everything in its power to slow down the provisioning of lines for independent operators, making every excuse possible until the day they have their own DSLAM in the local CO. On that day they start sending out mailers advertising service. The ONLY, and I repeat ONLY way to have any competition, customer service and innovative market in the broadband arena is to ensure CLECs have legally mandated access to COs and UNEs. If the BELLs can do it cheaper and better, they'll get more business, thus far that has not been the case, the independent operators have made better use of the 'last mile' and associated equipment, been more responsive to demand, and shown better customer awareness than the BELLs.

A fair charge should be assessed (note FAIR), but the CLECs absolutely MUST continue to have access to COs and UNEs.

The BELLs ARE dominant, absolutely, to reclassify them as not so would be totally wrong.